

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

Page 1 of 3

**DOCKET NO.:** 2007-1174-MWD-E **TCEQ ID:** RN102097235 **CASE NO.:** 34306**RESPONDENT NAME:** Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Waco Metropolitan Area Regional Sewerage System, located on the southwest bank of the Brazos River, approximately 4.5 miles downstream from the crossing of Interstate Highway 35 and the Brazos River, McLennan County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on January 22, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b></p> <p><b>TCEQ Attorney/SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768</p> <p><b>TCEQ Enforcement Coordinator:</b> Ms. Merrilee Hupp, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4490; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171</p> <p><b>Respondent:</b> Mr. Larry D. Groth, City Manager, City of Waco, P.O. Box 2570, Waco, Texas 76702</p> <p>Mr. Yousry Zakhary, City Manager, City of Woodway, 924 Estates Drive, Woodway, Texas 76712</p> <p>Mr. S.G. Radcliffe, City Manager, City of Bellmead, 3015 Bellmead Drive, Bellmead, Texas 76705</p> <p>Mr. Michael Nicoletti, City Manager, City of Lacy Lakeview, 501 East Craven, Lacy Lakeview, Texas 76705</p> <p>Mr. Keith Bond, Director of Public Works, City of Lacy Lakeview, 501 East Craven, Lacy Lakeview, Texas 76705</p> <p>Mr. R.C. Fletcher, City Manager, City of Robinson, 111 West Lyndale Avenue, Robinson, Texas 76706</p> <p>Mr. Dennis H. Woodard, City Manager, City of Hewitt, P.O. Box 610, Hewitt, Texas 76643</p> <p><b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> April 4, 2007 and April 11, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> June 22, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failure to prevent an unauthorized discharge of wastewater. Specifically, due to a break in a 30-inch interceptor line, more than 100,000 gallons of wastewater was discharged into a bar ditch that flows into a concrete stormwater collector that discharged into Cottonwood Creek under South 12th Street. Sixteen dead fish and significantly high bacteria counts were documented downstream of the point of discharge [TEX. WATER CODE § 26.121(a), TEX. ADMIN. CODE § 305.125(4), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011071001, Permit Conditions 2.g.].</p> <p>2) Failure to prevent an unauthorized discharge of wastewater. Specifically, due to construction activities at the Transfer lift station, about 5,000,000 gallons of wastewater were released from the manhole onto a field outside the lift station and into a stormwater conveyance which flows into the Brazos River through a culvert below the Lake Brazos low water dam. Significantly high bacteria counts were documented at the point of discharge (483,834 Most Probable Number per 100 milliliters ["MPN/100 mL"]) and downstream (1,842 MPN/100 mL) from the discharge compared to concentrations of 242 MPN/100 mL upstream [TEX. WATER CODE § 26.121(a), TEX. ADMIN. CODE § 305.125(4), and TPDES Permit</p>	<p><b>Total Assessed:</b> \$54,720</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$54,720</p> <p><b>Total Paid (Due) to General Revenue:</b> \$0</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Orders Justification:</b>  Three repeated enforcement actions over the prior five year period for the same violation.</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondents have implemented the following corrective measures at the Facility:</p> <p>a. On April 3, 2007 at 6:01 pm, orally reported to TCEQ Waco Regional Office the unauthorized discharge which they became aware of on April 2, 2007 at 4:45 pm;</p> <p>b. By April 7, 2007, applied disinfectant to the ground, suspended disinfection bags from the 12<sup>th</sup> Street bridge, created an earthen dam to contain the April 2, 2007 discharge, diverted the flow in order to allow repair of the broken line, and removed sewer solids and litter from the area; and</p> <p>c. By April 12, 2007, rerouted and replaced transducer cables to ensure continued operation and control of lift station wet well floats during construction activities, installed additional alarms to ensure awareness of malfunctions leading to unauthorized discharges, constructed berms to contain the April 10, 2007 unauthorized discharge, applied disinfectant to the ground, and removed sewer solids and litter from the area.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondents to implement and complete a Supplemental Environmental Project (SEP). (See Attachment A)</p>

<p>No. WQ0011071001, Permit Conditions 2.g.].</p> <p>3) Failure to orally notify the TCEQ Waco Regional Office within 24 hours of becoming aware of an unauthorized discharge. Specifically, the Respondents became aware of the unauthorized discharge at 4:45 pm on April 2, 2007, but did not notify the TCEQ until 6:01 pm on April 3, 2007 [30 TEX. ADMIN. CODE § 305.125(9)(A) and TPDES Permit No. WQ0011071001, Monitoring and Reporting Requirements No. 7.a.].</p>		
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Additional ID No(s): TPDES Permit No. WQ0011071001



**Attachment A**  
**Docket Number: 2007-1174-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondents:</b>	<b>Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt</b>
<b>Payable Penalty Amount:</b>	<b>Fifty-Four Thousand Seven Hundred Twenty Dollars (\$54,720)</b>
<b>SEP Amount:</b>	<b>Fifty-Four Thousand Seven Hundred Twenty Dollars (\$54,720)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Texas Association of Resource Conservation and Development Areas, Inc. ("RC&amp;D")- Wastewater Treatment Assistance</b>
<b>Location of SEP:</b>	<b>McLennan County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondents to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondents shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

The Respondents certify that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems

**C. Minimum Expenditure**

The Respondents shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.



## **2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondents must contribute the SEP Amount to the Third-Party Recipient. The Respondents shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.  
1716 Briarcrest Drive, Suite 510  
Bryan, Texas 77802-2700

## **3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondents shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondents shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

## **4. Failure to Fully Perform**

If the Respondents do not perform their obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondents shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

## **5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondents must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

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**6. Clean Texas Program**

The Respondents shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondents may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondents under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES	Assigned	2-Jul-2007	Screening	25-Jul-2007	EPA Due	
	PCW	25-Jul-2007				

## RESPONDENT/FACILITY INFORMATION

Respondent	Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt		
Reg. Ent. Ref. No.	RN102097235		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	34306	No. of Violations	3
Docket No.	2007-1174-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Enf. Coordinator	Merrilee Hupp
Multi-Media		EC's Team	EnforcementTeam 1
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

## Penalty Calculation Section

### TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History  Enhancement Subtotals 2, 3, & 7 

Notes: The Respondents self-reported nine effluent violations, received six NOV's for same or similar violations, and one NOV without same or similar violations.

Culpability   EnhancementSubtotal 4 

Notes: The Respondents do not meet the culpability criteria.

Good Faith Effort to Comply  ReductionSubtotal 5 

Before NOV    NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: The Respondents achieved compliance by April 12, 2007.

Total EB Amounts   Enhancement\*  
 Approx. Cost of Compliance  \*Capped at the Total EB \$ Amount

Subtotal 6 

### SUM OF SUBTOTALS 1-7

Final Subtotal 

### OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment 

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount 

### STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty 

### DEFERRAL

Reduction

Adjustment 

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

### PAYABLE PENALTY

Screening Date 25-Jul-2007

Docket No. 2007-1174-MWD-E

PCW

Respondent Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt

Policy Revision 2 (September 2002)

Case ID No. 34306

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102097235

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	15	75%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 77%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

The Respondents self-reported nine effluent violations, received six NOVs for same or similar violations, and one NOV without same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 77%

<b>Screening Date</b> 25-Jul-2007		<b>Docket No.</b> 2007-1174-MWD-E		<b>PCW</b>		
<b>Respondent</b> Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt						
<i>Policy Revision 2 (September 2002)</i> <i>PCW Revision June 26, 2007</i>						
<b>Case ID No.</b> 34306						
<b>Reg. Ent. Reference No.</b> RN102097235						
<b>Media [Statute]</b> Water Quality						
<b>Enf. Coordinator</b> Merrilee Hupp						
<b>Violation Number</b> <input type="text" value="1"/>						
<b>Rule Cite(s)</b> Tex. Water Code § 26.121(a), Tex. Admin. Code § 305.125(4), and TPDES Permit No. WQ0011071001, Permit Conditions 2.g.						
<b>Violation Description</b> Failed to prevent an unauthorized discharge of wastewater. Specifically, due to a break in a 30-inch interceptor line, more than 100,000 gallons of wastewater was discharged into a bar ditch that flows into a concrete stormwater collector that discharged into Cottonwood Creek under South 12th Street, as documented during the investigation on April 4, 2007. Sixteen dead fish and significantly high bacteria counts were documented downstream of the point of discharge.						
<b>Base Penalty</b>					<input type="text" value="\$10,000"/>	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>						
<b>OR</b>	<b>Harm</b>					
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>		
	Actual	<input type="text" value="x"/>			<b>Percent</b>	<input type="text" value="50%"/>
	Potential					
<b>&gt;&gt; Programmatic Matrix</b>						
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	<b>Percent</b>	<input type="text" value="0%"/>
<b>Matrix Notes</b>	Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental factors.					
<b>Adjustment</b>					<input type="text" value="\$5,000"/>	
<input type="text" value="\$5,000"/>						
<b>Violation Events</b>						
<b>Number of Violation Events</b>		<input type="text" value="5"/>	<b>Number of violation days</b>		<input type="text" value="5"/>	
<small>mark only one with an x</small>	daily	<input type="text" value="x"/>				
	monthly					
	quarterly					
	semiannual					
	annual					
	single event					
<b>Violation Base Penalty</b>					<input type="text" value="\$25,000"/>	
Five daily events are recommended from the April 2, 2007 discharge date to April 7, 2007 when cleanup and repairs were completed to achieve compliance.						
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b>		<input type="text" value="\$66"/>	<b>Violation Final Penalty Total</b>		<input type="text" value="\$38,000"/>	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>					<input type="text" value="\$38,000"/>	

**Economic Benefit Worksheet****Respondent** Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt**Case ID No.** 34306**Reg. Ent. Reference No.** RN102097235**Media** Water Quality**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$67,525	2-Apr-2007	7-Apr-2007	0.0	\$3	\$62	\$65
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$1,101	2-Apr-2007	7-Apr-2007	0.0	\$1	n/a	\$1
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost for repair of broken line, slip-lining of collection lines before and after the break, engineering fees, construction crew labor, materials, pipe cleaning and televising. Date required is the first day of the documented unauthorized discharge and the final date is when cleanup and repairs were completed.

**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs****Approx. Cost of Compliance**

\$68,626

**TOTAL**

\$66

**Screening Date** 25-Jul-2007**Docket No.** 2007-1174-MWD-E**PCW****Respondent** Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt

Policy Revision 2 (September 2002)

**Case ID No.** 34306

PCW Revision June 26, 2007

**Reg. Ent. Reference No.** RN102097235**Media [Statute]** Water Quality**Enf. Coordinator** Merrilee Hupp**Violation Number** 2**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(9)(A) and TPDES Permit No. WQ0011071001, Monitoring and Reporting Requirements No. 7.a.**Violation Description**

Failed to orally notify the TCEQ Waco Regional Office within 24 hours of becoming aware of an unauthorized discharge as documented during the investigation on April 4, 2007. Specifically, the Respondents became aware of the unauthorized discharge at 4:45 pm on April 2, 2007, but did not notify the TCEQ until 6:01 pm on April 3, 2007.

**Base Penalty** \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

**Percent** 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

**Percent** 10%**Matrix Notes**

100 percent of the requirement was not met.

**Adjustment** \$9,000

\$1,000

## Violation Events

**Number of Violation Events** 11 **Number of violation days**

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

**Violation Base Penalty** \$1,000

One single event is recommended.

**Economic Benefit (EB) for this violation****Statutory Limit Test****Estimated EB Amount** \$0**Violation Final Penalty Total** \$1,520**This violation Final Assessed Penalty (adjusted for limits)** \$1,520

**Economic Benefit Worksheet****Respondent:** Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt**Case ID No.** 34306**Reg. Ent. Reference No.** RN102097235**Media** Water Quality**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$50	2-Apr-2007	3-Apr-2007	0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost for providing oral notice to the TCEQ for an unauthorized discharge. Date required is the date of the discharge and final date is the date notification was received.

**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs****Approx. Cost of Compliance**

\$50

**TOTAL**

\$0



**Screening Date** 25-Jul-2007

**Docket No.** 2007-1174-MWD-E

**PCW**

**Respondent** Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt

*Policy Revision 2 (September 2002)*

**Case ID No.** 34306

*PCW Revision June 26, 2007*

**Reg. Ent. Reference No.** RN102097235

**Media [Statute]** Water Quality

**Enf. Coordinator** Merrilee Hupp

**Violation Number** 3

**Rule Cite(s)** Tex. Water Code § 26.121(a), Tex. Admin. Code § 305.125(4), and TPDES Permit No. WQ0011071001, Permit Conditions 2.g.

**Violation Description**

Failed to prevent an unauthorized discharge of wastewater. Specifically, due to construction activities at the Transfer lift station, about 5,000,000 gallons of wastewater were released from the manhole onto a field outside the lift station and into a stormwater conveyance which flows into the Brazos River through a culvert below the Lake Brazos low water dam, as documented on April 11, 2007. Significantly high bacteria counts were documented at the point of discharge (483,834 Most Probable Number per 100 milliliters ["MPN/100 mL"]) and downstream (1,842 MPN/100 mL) from the discharge compared to concentrations of 242 MPN/100 mL upstream.

**Base Penalty** \$10,000

**>> Environmental, Property and Human Health Matrix**

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

**Percent** 50%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor

**Percent** 0%

**Matrix Notes**

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental factors.

**Adjustment** \$5,000

\$5,000

**Violation Events**

**Number of Violation Events** 2

2 **Number of violation days**

mark only one with an x	daily	x
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

**Violation Base Penalty** \$10,000

Two daily events are recommended from the April 10, 2007 discharge date to the date the discharge was stopped and the area was cleaned up to achieve compliance on April 12, 2007.

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$3

**Violation Final Penalty Total** \$15,200

**This violation Final Assessed Penalty (adjusted for limits)** \$15,200

**Economic Benefit Worksheet**

**Respondent:** Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt  
**Case ID No.** 34306  
**Reg. Ent. Reference No.** RN102097235  
**Media:** Water Quality  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

**Delayed Costs**

Equipment	\$2,013	10-Apr-2007	12-Apr-2007	0.0	\$0	\$1	\$1
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$3,993	10-Apr-2007	12-Apr-2007	0.0	\$0	\$1	\$2
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$300	10-Apr-2007	12-Apr-2007	0.0	\$0	n/a	\$0
Remediation/Disposal	\$1,000	10-Apr-2007	12-Apr-2007	0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost for the rerouting and replacement of the transducer cables and unit to ensure continual operation during construction activities, additional alarms and the associated wiring to ensure staff is aware of equipment malfunctions resulting in unauthorized discharges, labor and chemicals to disinfect affected areas, construction of berms, sampling, and clean up of litter and other material associated with the unauthorized discharge of raw wastewater.

**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs****Approx. Cost of Compliance****\$7,306****TOTAL****\$3**

# Compliance History

Customer/Respondent/Owner-Operator:	CN600343842	City of Woodway	Classification: AVERAGE	Rating: 1.98
Regulated Entity:	RN102097235	WACO METROPOLITAN AREA REGIONAL SEWERAGE SYSTEM WMARSS	Classification: AVERAGE	Site Rating: 0.88
ID Number(s):	WASTEWATER WASTEWATER PRETREATMENT PRETREATMENT WASTEWATER LICENSING STORMWATER	PERMIT PERMIT EPA ID PERMIT LICENSE PERMIT		WQ0011071001 TPDES0026506 TX0026506000 WQ0011071001 WQ0011071001 TXR05K811
Location:	SW bank of Brazos R., approx. 4.5 miles dwnstrm from crossing of I35 and Brazos R., McLennan Co.		Rating Date: September 01 06 Repeat Violator: NO	
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	July 17, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 17, 2002 to July 17, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Merrilee G. Hupp	Phone:	512-239-4490	

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?  
Yes
2. Has there been a (known) change in ownership of the site during the compliance period?  
Yes
3. If Yes, who is the current owner?  

City of Waco

City of Woodway

City of Bellmead

City of Lacy Lakeview

City of Robinson

City of Hewitt
4. if Yes, who was/were the prior owner(s)?  

Brazos River Authority

Waco, Woodway, Bellmead,  
Lacy Lakeview, Robinson
5. When did the change(s) in ownership occur?  

02/20/2004

05/14/2004

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
  - 1 07/18/2002 (174010)
  - 2 08/15/2002 (174014)
  - 3 09/19/2002 (174017)
  - 4 10/14/2002 (174020)
  - 5 11/14/2002 (174024)
  - 6 12/18/2002 (174028)
  - 7 01/17/2003 (174032)

8	02/13/2003	(173989)
9	03/14/2003	(173992)
10	04/21/2003	(173997)
11	04/28/2003	(24697)
12	04/29/2003	(27426)
13	05/20/2003	(174002)
14	06/16/2003	(174006)
15	07/17/2003	(174011)
16	08/19/2003	(302070)
17	09/03/2003	(302066)
18	09/16/2003	(302068)
19	10/08/2003	(249832)
20	11/18/2003	(302071)
21	12/18/2003	(302072)
22	01/21/2004	(302073)
23	02/23/2004	(302055)
24	03/22/2004	(302058)
25	04/12/2004	(302059)
26	05/04/2004	(267718)
27	05/05/2004	(302064)
28	05/13/2004	(302061)
29	07/02/2004	(261916)
30	07/02/2004	(354777)
31	08/02/2004	(276939)
32	09/29/2004	(370970)
33	10/05/2004	(354778)
34	10/05/2004	(354780)
35	10/05/2004	(354782)
36	10/18/2004	(337554)
37	11/12/2004	(339547)
38	11/16/2004	(383341)
39	11/18/2004	(354781)
40	12/01/2004	(354779)
41	12/14/2004	(383342)
42	01/17/2005	(471050)
43	03/18/2005	(277864)
44	03/21/2005	(383340)
45	04/06/2005	(373078)
46	04/18/2005	(430208)
47	05/12/2005	(430209)
48	05/18/2005	(338055)
49	06/06/2005	(430211)
50	06/15/2005	(430210)
51	08/22/2005	(442148)
52	09/23/2005	(442149)
53	11/28/2005	(471051)
54	12/15/2005	(419151)
55	12/27/2005	(471052)
56	01/24/2006	(471053)
57	01/26/2006	(436581)
58	02/24/2006	(471046)
59	03/13/2006	(471048)
60	03/13/2006	(471049)
61	03/22/2006	(471047)
62	05/09/2006	(462691)
63	05/22/2006	(464300)
64	05/24/2006	(466829)
65	05/24/2006	(499905)
66	05/31/2006	(466811)
67	05/31/2006	(466826)
68	06/21/2006	(499906)
69	07/24/2006	(482574)
70	08/23/2006	(497599)
71	08/29/2006	(521997)
72	09/11/2006	(521998)
73	09/19/2006	(530990)
74	11/09/2006	(513711)
75	11/10/2006	(546661)
76	12/27/2006	(546660)

77 01/23/2007 (546657)  
 78 01/23/2007 (546658)  
 79 02/15/2007 (553690)  
 80 02/27/2007 (546659)  
 81 05/14/2007 (559580)  
 82 06/28/2007 (557219)  
 83 06/28/2007 (557220)  
 84 07/10/2007 (566470)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	11/30/2002	(174028)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	02/14/2003	(18325)		
Self Report?	NO		Classification:	Minor
Citation:	TWC Chapter 26 26.121(a)(1)			
Description:	Failure to prevent an unauthorized discharge.			
Self Report?	NO		Classification:	Minor
Citation:	TWC Chapter 26 26.039			
Description:	Failure to report an unauthorized discharge from the treatment plant.			
Date:	12/31/2003	(302073)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	07/29/2004	(276939)		
Self Report?	NO		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)(1) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Rqmt Prov:	PERMIT TPDES Permit No. 11071-001			
Description:	Failure to prevent an unauthorized discharge of wastewater.			
Self Report?	NO		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)(1) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Rqmt Prov:	PERMIT TPDES Permit No. 11071-001			
Description:	Failure to prevent an unauthorized discharge of wastewater.			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 319, SubChapter C 319.302(c)			
Description:	Failure to provide public notice of discharge from wastewater facility.			
Date:	08/31/2004	(354779)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	09/29/2004	(370970)		
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Date:	10/31/2004	(383341)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	11/30/2004	(383342)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	10/31/2005	(471051)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	01/26/2006	(436581)		
Self Report?	NO		Classification:	Moderate

Citation: TWC Chapter 26 26.121(a)(1)  
 Description: Failure by the permittee to prevent the discharge of wastewater into or adjacent to water in the state without authorization from the Commission.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)[G]  
 Description: Failure by the permittee to orally notify the TCEQ of an unauthorized discharge within 24 hours and provide written notification within 5 days of becoming aware of the noncompliance.

Self Report? NO Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
 Description: Failure by the permittee to prevent the discharge of wastewater into or adjacent to water in the state without authorization from the Commission.

Date: 07/31/2006 (521997)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 09/19/2006 (530990)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 09/30/2006 (546658)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2006 (546660)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: TWC Chapter 26 26.121(a)[G]  
 Date: 02/15/2007 (553690)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 05/14/2007 (559580)

Self Report? NO Classification: Minor

Citation: 40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)  
 Description: Failure to maintain records of industrial user permit applications.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# Compliance History

Customer/Respondent/Owner-Operator:	CN600131940	City of Waco	Classification: AVERAGE	Rating: 3.46
Regulated Entity:	RN102097235	WACO METROPOLITAN AREA REGIONAL SEWERAGE SYSTEM WMARSS	Classification: AVERAGE	Site Rating: 0.88
ID Number(s):	WASTEWATER WASTEWATER PRETREATMENT PRETREATMENT WASTEWATER LICENSING STORMWATER	PERMIT PERMIT EPA ID PERMIT LICENSE PERMIT		WQ0011071001 TPDES0026506 TX0026506000 WQ0011071001 WQ0011071001 TXR05K811
Location:	SW bank of Brazos R., approx. 4.5 miles dwnstrm from crossing of I35 and Brazos R., McLennan Co.		Rating Date: September 01 06 Repeat Violator: NO	
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	July 17, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 17, 2002 to July 17, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Merrilee G. Hupp	Phone:	512-239-4490	

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner?
 

City of Waco

City of Woodway

City of Bellmead

City of Lacy Lakeview

City of Robinson

City of Hewitt
4. if Yes, who was/were the prior owner(s)?
 

Brazos River Authority

Waco, Woodway, Bellmead,  
Lacy Lakeview, Robinson
5. When did the change(s) in ownership occur?
 

02/20/2004

05/14/2004

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
 

N/A
- B. Any criminal convictions of the state of Texas and the federal government.
 

N/A
- C. Chronic excessive emissions events.
 

N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 

1 07/18/2002 (174010)

2 08/15/2002 (174014)

3 09/19/2002 (174017)

4 10/14/2002 (174020)

5 11/14/2002 (174024)

6 12/18/2002 (174028)

7 01/17/2003 (174032)

8 02/13/2003 (173989)

9 03/14/2003 (173992)

10	04/21/2003	(173997)
11	04/28/2003	(24697)
12	04/29/2003	(27426)
13	05/20/2003	(174002)
14	06/16/2003	(174006)
15	07/17/2003	(174011)
16	08/19/2003	(302070)
17	09/03/2003	(302066)
18	09/16/2003	(302068)
19	10/08/2003	(249832)
20	11/18/2003	(302071)
21	12/18/2003	(302072)
22	01/21/2004	(302073)
23	02/23/2004	(302055)
24	03/22/2004	(302058)
25	04/12/2004	(302059)
26	05/04/2004	(267718)
27	05/05/2004	(302064)
28	05/13/2004	(302061)
29	07/02/2004	(261916)
30	07/02/2004	(354777)
31	08/02/2004	(276939)
32	09/29/2004	(370970)
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39	11/18/2004	(354781)
40	12/01/2004	(354779)
41	12/14/2004	(383342)
42	01/17/2005	(471050)
43	03/18/2005	(277864)
44	03/21/2005	(383340)
45	04/06/2005	(373078)
46	04/18/2005	(430208)
47	05/12/2005	(430209)
48	05/18/2005	(338055)
49	06/06/2005	(430211)
50	06/15/2005	(430210)
51	08/22/2005	(442148)
52	09/23/2005	(442149)
53	11/28/2005	(471051)
54	12/15/2005	(419151)
55	12/27/2005	(471052)
56	01/24/2006	(471053)
57	01/26/2006	(436581)
58	02/24/2006	(471046)
59	03/13/2006	(471048)
60	03/13/2006	(471049)
61	03/22/2006	(471047)
62	05/09/2006	(462691)
63	05/22/2006	(464300)
64	05/24/2006	(466829)
65	05/24/2006	(499905)
66	05/31/2006	(466811)
67	05/31/2006	(466826)
68	06/21/2006	(499906)
69	07/24/2006	(482574)
70	08/23/2006	(497599)
71	08/29/2006	(521997)
72	09/11/2006	(521998)
73	09/19/2006	(530990)
74	11/09/2006	(513711)
75	11/10/2006	(546661)
76	12/27/2006	(546660)
77	01/23/2007	(546657)
78	01/23/2007	(546658)



79 02/15/2007 (553690)  
 80 02/27/2007 (546659)  
 81 05/14/2007 (559580)  
 82 06/28/2007 (557219)  
 83 06/28/2007 (557220)  
 84 07/10/2007 (566470)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 11/30/2002 (174028)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 02/14/2003 (18325)  
 Self Report? NO Classification: Minor  
 Citation: TWC Chapter 26 26.121(a)(1)  
 Description: Failure to prevent an unauthorized discharge.  
 Self Report? NO Classification: Minor  
 Citation: TWC Chapter 26 26.039  
 Description: Failure to report an unauthorized discharge from the treatment plant.  
 Date: 12/31/2003 (302073)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 07/29/2004 (276939)  
 Self Report? NO Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT TPDES Permit No. 11071-001  
 Description: Failure to prevent an unauthorized discharge of wastewater.  
 Self Report? NO Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT TPDES Permit No. 11071-001  
 Description: Failure to prevent an unauthorized discharge of wastewater.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 319, SubChapter C 319.302(c)  
 Description: Failure to provide public notice of discharge from wastewater facility.  
 Date: 08/31/2004 (354779)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 09/29/2004 (370970)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(17)  
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
 Date: 10/31/2004 (383341)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 11/30/2004 (383342)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 10/31/2005 (471051)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 01/26/2006 (436581)  
 Self Report? NO Classification: Moderate  
 Citation: TWC Chapter 26 26.121(a)(1)  
 Description: Failure by the permittee to prevent the discharge of wastewater into or adjacent to

water in the state without authorization from the Commission.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)[G]

Description: Failure by the permittee to orally notify the TCEQ of an unauthorized discharge within 24 hours and provide written notification within 5 days of becoming aware of the noncompliance.

Self Report? NO Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

Description: Failure by the permittee to prevent the discharge of wastewater into or adjacent to water in the state without authorization from the Commission.

Date: 07/31/2006 (521997)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 09/19/2006 (530990)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: 30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 09/30/2006 (546658)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2006 (546660)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 02/15/2007 (553690)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: 30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 05/14/2007 (559580)

Self Report? NO Classification: Minor

Citation: 40 CFR Chapter 403, SubChapter N, PT 403.403.8(f)(2)

Description: Failure to maintain records of industrial user permit applications.

F. Environmental audits.  
N/A

G. Type of environmental management systems (EMSs).  
N/A

H. Voluntary on-site compliance assessment dates.  
N/A

I. Participation in a voluntary pollution reduction program.  
N/A

J. Early compliance.  
N/A

Sites Outside of Texas  
N/A

## Compliance History

Customer/Respondent/Owner-Operator:	CN600637987	City of Lacy Lakeview	Classification: AVERAGE	Rating: 0.29
Regulated Entity:	RN102097235	WACO METROPOLITAN AREA REGIONAL SEWERAGE SYSTEM WMARSS	Classification: AVERAGE	Site Rating: 0.88
ID Number(s):	WASTEWATER WASTEWATER PRETREATMENT PRETREATMENT WASTEWATER LICENSING STORMWATER	PERMIT PERMIT EPA ID PERMIT LICENSE PERMIT		WQ0011071001 TPDES0026506 TX0026506000 WQ0011071001 WQ0011071001 TXR05K811
Location:	SW bank of Brazos R., approx. 4.5 miles dwnstrm from crossing of I35 and Brazos R., McLennan Co.		Rating Date: September 01 06 Repeat Violator: NO	
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	July 17, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 17, 2002 to July 17, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Merrilee G. Hupp	Phone:	512-239-4490	

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner?
 

City of Waco  
City of Woodway  
City of Bellmead  
City of Lacy Lakeview  
City of Robinson  
City of Hewitt
4. If Yes, who was/were the prior owner(s)? Brazos River Authority

Waco, Woodway, Bellmead,  
 Lacy Lakeview, Robinson
5. When did the change(s) in ownership occur?
 

02/20/2004  
 05/14/2004

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 

1	07/18/2002	(174010)
2	08/15/2002	(174014)
3	09/19/2002	(174017)
4	10/14/2002	(174020)
5	11/14/2002	(174024)
6	12/18/2002	(174028)
7	01/17/2003	(174032)
8	02/13/2003	(173989)
9	03/14/2003	(173992)
10	04/21/2003	(173997)

11	04/28/2003	(24697)
12	04/29/2003	(27426)
13	05/20/2003	(174002)
14	06/16/2003	(174006)
15	07/17/2003	(174011)
16	08/19/2003	(302070)
17	09/03/2003	(302066)
18	09/16/2003	(302068)
19	10/08/2003	(249832)
20	11/18/2003	(302071)
21	12/18/2003	(302072)
22	01/21/2004	(302073)
23	02/23/2004	(302055)
24	03/22/2004	(302058)
25	04/12/2004	(302059)
26	05/04/2004	(267718)
27	05/05/2004	(302064)
28	05/13/2004	(302061)
29	07/02/2004	(261916)
30	07/02/2004	(354777)
31	08/02/2004	(276939)
32	09/29/2004	(370970)
33	10/05/2004	(354778)
34	10/05/2004	(354780)
35	10/05/2004	(354782)
36	10/18/2004	(337554)
37	11/12/2004	(339547)
38	11/16/2004	(383341)
39	11/18/2004	(354781)
40	12/01/2004	(354779)
41	12/14/2004	(383342)
42	01/17/2005	(471050)
43	03/18/2005	(277864)
44	03/21/2005	(383340)
45	04/06/2005	(373078)
46	04/18/2005	(430208)
47	05/12/2005	(430209)
48	05/18/2005	(338055)
49	06/06/2005	(430211)
50	06/15/2005	(430210)
51	08/22/2005	(442148)
52	09/23/2005	(442149)
53	11/28/2005	(471051)
54	12/15/2005	(419151)
55	12/27/2005	(471052)
56	01/24/2006	(471053)
57	01/26/2006	(436581)
58	02/24/2006	(471046)
59	03/13/2006	(471048)
60	03/13/2006	(471049)
61	03/22/2006	(471047)
62	05/09/2006	(462691)
63	05/22/2006	(464300)
64	05/24/2006	(466829)
65	05/24/2006	(499905)
66	05/31/2006	(466811)
67	05/31/2006	(466826)
68	06/21/2006	(499906)
69	07/24/2006	(482574)
70	08/23/2006	(497599)
71	08/29/2006	(521997)
72	09/11/2006	(521998)
73	09/19/2006	(530990)
74	11/09/2006	(513711)
75	11/10/2006	(546661)
76	12/27/2006	(546660)
77	01/23/2007	(546657)
78	01/23/2007	(546658)
79	02/15/2007	(553690)

80 02/27/2007 (546659)  
 81 05/14/2007 (559580)  
 82 06/28/2007 (557219)  
 83 06/28/2007 (557220)  
 84 07/10/2007 (566470)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 11/30/2002 (174028)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 02/14/2003 (18325)  
 Self Report? NO Classification: Minor  
 Citation: TWC Chapter 26 26.121(a)(1)  
 Description: Failure to prevent an unauthorized discharge.  
 Self Report? NO Classification: Minor  
 Citation: TWC Chapter 26 26.039  
 Description: Failure to report an unauthorized discharge from the treatment plant.  
 Date: 12/31/2003 (302073)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 07/29/2004 (276939)  
 Self Report? NO Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT TPDES Permit No. 11071-001  
 Description: Failure to prevent an unauthorized discharge of wastewater.  
 Self Report? NO Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT TPDES Permit No. 11071-001  
 Description: Failure to prevent an unauthorized discharge of wastewater.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 319, SubChapter C 319.302(c)  
 Description: Failure to provide public notice of discharge from wastewater facility.  
 Date: 08/31/2004 (354779)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 09/29/2004 (370970)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(17)  
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
 Date: 10/31/2004 (383341)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 11/30/2004 (383342)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 10/31/2005 (471051)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 01/26/2006 (436581)  
 Self Report? NO Classification: Moderate  
 Citation: TWC Chapter 26 26.121(a)(1)  
 Description: Failure by the permittee to prevent the discharge of wastewater into or adjacent to water in the state without authorization from the Commission.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)[G]  
 Description: Failure by the permittee to orally notify the TCEQ of an unauthorized discharge within 24 hours and provide written notification within 5 days of becoming aware of the noncompliance.

Self Report? NO Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
 Description: Failure by the permittee to prevent the discharge of wastewater into or adjacent to water in the state without authorization from the Commission.  
 Date: 07/31/2006 (521997)

Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 09/19/2006 (530990)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(17)  
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
 Date: 09/30/2006 (546658)

Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 11/30/2006 (546660)

Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: TWC Chapter 26 26.121(a)[G]  
 Failure to meet the limit for one or more permit parameter  
 Date: 02/15/2007 (553690)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(17)  
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
 Date: 05/14/2007 (559580)

Self Report? NO Classification: Minor  
 Citation: 40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)  
 Description: Failure to maintain records of industrial user permit applications.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# Compliance History

Customer/Respondent/Owner-Operator:	CN600516181	City of Bellmead	Classification: AVERAGE	Rating: 1.29
Regulated Entity:	RN102097235	WACO METROPOLITAN AREA REGIONAL SEWERAGE SYSTEM WMARSS	Classification: AVERAGE	Site Rating: 0.88
ID Number(s):	WASTEWATER	PERMIT	WQ0011071001	
	WASTEWATER	PERMIT	TPDES0026506	
	PRETREATMENT	EPA ID	TX0026506000	
	PRETREATMENT	PERMIT	WQ0011071001	
	WASTEWATER LICENSING	LICENSE	WQ0011071001	
	STORMWATER	PERMIT	TXR05K811	
Location:	SW bank of Brazos R., approx. 4.5 miles dwnstrm from crossing of I35 and Brazos R., McLennan Co.		Rating Date: September 01 06 Repeat Violator: NO	
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	July 17, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 17, 2002 to July 17, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Merrilee G. Hupp	Phone:	512-239-4490	

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner?
 

City of Waco  
 City of Woodway  
 City of Bellmead  
 City of Lacy Lakeview  
 City of Robinson  
 City of Hewitt
4. If Yes, who was/were the prior owner(s)?
 

Brazos River Authority  
  
 Waco, Woodway, Bellmead,  
 Lacy Lakeview, Robinson
5. When did the change(s) in ownership occur?
 

02/20/2004  
 05/14/2004

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
 

N/A
- B. Any criminal convictions of the state of Texas and the federal government.
 

N/A
- C. Chronic excessive emissions events.
 

N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 

1	07/18/2002	(174010)
2	08/15/2002	(174014)
3	09/19/2002	(174017)
4	10/14/2002	(174020)
5	11/14/2002	(174024)
6	12/18/2002	(174028)
7	01/17/2003	(174032)
8	02/13/2003	(173989)
9	03/14/2003	(173992)
10	04/21/2003	(173997)

11	04/28/2003	(24697)
12	04/29/2003	(27426)
13	05/20/2003	(174002)
14	06/16/2003	(174006)
15	07/17/2003	(174011)
16	08/19/2003	(302070)
17	09/03/2003	(302066)
18	09/16/2003	(302068)
19	10/08/2003	(249832)
20	11/18/2003	(302071)
21	12/18/2003	(302072)
22	01/21/2004	(302073)
23	02/23/2004	(302055)
24	03/22/2004	(302058)
25	04/12/2004	(302059)
26	05/04/2004	(267718)
27	05/05/2004	(302064)
28	05/13/2004	(302061)
29	07/02/2004	(261916)
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31	08/02/2004	(276939)
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33	10/05/2004	(354778)
34	10/05/2004	(354780)
35	10/05/2004	(354782)
36	10/18/2004	(337554)
37	11/12/2004	(339547)
38	11/16/2004	(383341)
39	11/18/2004	(354781)
40	12/01/2004	(354779)
41	12/14/2004	(383342)
42	01/17/2005	(471050)
43	03/18/2005	(277864)
44	03/21/2005	(383340)
45	04/06/2005	(373078)
46	04/18/2005	(430208)
47	05/12/2005	(430209)
48	05/18/2005	(338055)
49	06/06/2005	(430211)
50	06/15/2005	(430210)
51	08/22/2005	(442148)
52	09/23/2005	(442149)
53	11/28/2005	(471051)
54	12/15/2005	(419151)
55	12/27/2005	(471052)
56	01/24/2006	(471053)
57	01/26/2006	(436581)
58	02/24/2006	(471046)
59	03/13/2006	(471048)
60	03/13/2006	(471049)
61	03/22/2006	(471047)
62	05/09/2006	(462691)
63	05/22/2006	(464300)
64	05/24/2006	(466829)
65	05/24/2006	(499905)
66	05/31/2006	(466811)
67	05/31/2006	(466826)
68	06/21/2006	(499906)
69	07/24/2006	(482574)
70	08/23/2006	(497599)
71	08/29/2006	(521997)
72	09/11/2006	(521998)
73	09/19/2006	(530990)
74	11/09/2006	(513711)
75	11/10/2006	(546661)
76	12/27/2006	(546660)
77	01/23/2007	(546657)
78	01/23/2007	(546658)
79	02/15/2007	(553690)



80 02/27/2007 (546659)  
 81 05/14/2007 (559580)  
 82 06/28/2007 (557219)  
 83 06/28/2007 (557220)  
 84 07/10/2007 (566470)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 11/30/2002 (174028)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 02/14/2003 (18325)  
 Self Report? NO Classification: Minor  
 Citation: TWC Chapter 26 26.121(a)(1)  
 Description: Failure to prevent an unauthorized discharge.  
 Self Report? NO Classification: Minor  
 Citation: TWC Chapter 26 26.039  
 Description: Failure to report an unauthorized discharge from the treatment plant.  
 Date: 12/31/2003 (302073)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
  
 Date: 07/29/2004 (276939)  
 Self Report? NO Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT TPDES Permit No. 11071-001  
 Description: Failure to prevent an unauthorized discharge of wastewater.  
 Self Report? NO Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT TPDES Permit No. 11071-001  
 Description: Failure to prevent an unauthorized discharge of wastewater.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 319, SubChapter C 319.302(c)  
 Description: Failure to provide public notice of discharge from wastewater facility.  
  
 Date: 08/31/2004 (354779)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 09/29/2004 (370970)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(17)  
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
 Date: 10/31/2004 (383341)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 11/30/2004 (383342)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
  
 Date: 10/31/2005 (471051)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 01/26/2006 (436581)  
 Self Report? NO Classification: Moderate  
 Citation: TWC Chapter 26 26.121(a)(1)  
 Description: Failure by the permittee to prevent the discharge of wastewater into or adjacent to water in the state without authorization from the Commission.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)[G]  
Description: Failure by the permittee to orally notify the TCEQ of an unauthorized discharge within 24 hours and provide written notification within 5 days of becoming aware of the noncompliance.

Self Report? NO Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
Description: Failure by the permittee to prevent the discharge of wastewater into or adjacent to water in the state without authorization from the Commission.

Date: 07/31/2006 (521997)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 09/19/2006 (530990)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 09/30/2006 (546658)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2006 (546660)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: TWC Chapter 26 26.121(a)[G]  
Failure to meet the limit for one or more permit parameter

Date: 02/15/2007 (553690)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 05/14/2007 (559580)

Self Report? NO Classification: Minor

Citation: 40 CFR Chapter 403, SubChapter N, PT 403.403.8(f)(2)

Description: Failure to maintain records of industrial user permit applications.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# Compliance History

Customer/Respondent/Owner-Operator:	CN600641765	City of Robinson	Classification: AVERAGE	Rating: 0.86
Regulated Entity:	RN102097235	WACO METROPOLITAN AREA REGIONAL SEWERAGE SYSTEM WMARSS	Classification: AVERAGE	Site Rating: 0.88
ID Number(s):	WASTEWATER WASTEWATER PRETREATMENT PRETREATMENT WASTEWATER LICENSING STORMWATER	PERMIT PERMIT EPA ID PERMIT LICENSE PERMIT	WQ0011071001 TPDES0026506 TX0026506000 WQ0011071001 WQ0011071001 TXR05K811	
Location:	SW bank of Brazos R., approx. 4.5 miles dwnstrm from crossing of I35 and Brazos R., McLennan Co.		Rating Date: September 01 06 Repeat Violator: NO	

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: July 17, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 17, 2002 to July 17, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Merrilee G. Hupp Phone: 512-239-4490

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes

3. If Yes, who is the current owner?

City of Waco  
City of Woodway  
City of Bellmead  
City of Lacy Lakeview  
City of Robinson  
City of Hewitt

4. if Yes, who was/were the prior owner(s)?

Brazos River Authority

Waco, Woodway, Bellmead,  
Lacy Lakeview, Robinson

5. When did the change(s) in ownership occur?

02/20/2004  
05/14/2004

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	07/18/2002	(174010)
2	08/15/2002	(174014)
3	09/19/2002	(174017)
4	10/14/2002	(174020)
5	11/14/2002	(174024)
6	12/18/2002	(174028)
7	01/17/2003	(174032)
8	02/13/2003	(173989)
9	03/14/2003	(173992)
10	04/21/2003	(173997)

11	04/28/2003	(24697)
12	04/29/2003	(27426)
13	05/20/2003	(174002)
14	06/16/2003	(174006)
15	07/17/2003	(174011)
16	08/19/2003	(302070)
17	09/03/2003	(302066)
18	09/16/2003	(302068)
19	10/08/2003	(249832)
20	11/18/2003	(302071)
21	12/18/2003	(302072)
22	01/21/2004	(302073)
23	02/23/2004	(302055)
24	03/22/2004	(302058)
25	04/12/2004	(302059)
26	05/04/2004	(267718)
27	05/05/2004	(302064)
28	05/13/2004	(302061)
29	07/02/2004	(261916)
30	07/02/2004	(354777)
31	08/02/2004	(276939)
32	09/29/2004	(370970)
33	10/05/2004	(354778)
34	10/05/2004	(354780)
35	10/05/2004	(354782)
36	10/18/2004	(337554)
37	11/12/2004	(339547)
38	11/16/2004	(383341)
39	11/18/2004	(354781)
40	12/01/2004	(354779)
41	12/14/2004	(383342)
42	01/17/2005	(471050)
43	03/18/2005	(277864)
44	03/21/2005	(383340)
45	04/06/2005	(373078)
46	04/18/2005	(430208)
47	05/12/2005	(430209)
48	05/18/2005	(338055)
49	06/06/2005	(430211)
50	06/15/2005	(430210)
51	08/22/2005	(442148)
52	09/23/2005	(442149)
53	11/28/2005	(471051)
54	12/15/2005	(419151)
55	12/27/2005	(471052)
56	01/24/2006	(471053)
57	01/26/2006	(436581)
58	02/24/2006	(471046)
59	03/13/2006	(471048)
60	03/13/2006	(471049)
61	03/22/2006	(471047)
62	05/09/2006	(462691)
63	05/22/2006	(464300)
64	05/24/2006	(466829)
65	05/24/2006	(499905)
66	05/31/2006	(466811)
67	05/31/2006	(466826)
68	06/21/2006	(499906)
69	07/24/2006	(482574)
70	08/23/2006	(497599)
71	08/29/2006	(521997)
72	09/11/2006	(521998)
73	09/19/2006	(530990)
74	11/09/2006	(513711)
75	11/10/2006	(546661)
76	12/27/2006	(546660)
77	01/23/2007	(546657)
78	01/23/2007	(546658)
79	02/15/2007	(553690)

80 02/27/2007 (546659)  
 81 05/14/2007 (559580)  
 82 06/28/2007 (557219)  
 83 06/28/2007 (557220)  
 84 07/10/2007 (566470)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 11/30/2002 (174028)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 02/14/2003 (18325)  
 Self Report? NO Classification: Minor  
 Citation: TWC Chapter 26 26.121(a)(1)  
 Description: Failure to prevent an unauthorized discharge.  
 Self Report? NO Classification: Minor  
 Citation: TWC Chapter 26 26.039  
 Description: Failure to report an unauthorized discharge from the treatment plant.  
 Date: 12/31/2003 (302073)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 07/29/2004 (276939)  
 Self Report? NO Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT TPDES Permit No. 11071-001  
 Description: Failure to prevent an unauthorized discharge of wastewater.  
 Self Report? NO Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT TPDES Permit No. 11071-001  
 Description: Failure to prevent an unauthorized discharge of wastewater.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 319, SubChapter C 319.302(c)  
 Description: Failure to provide public notice of discharge from wastewater facility.  
 Date: 08/31/2004 (354779)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 09/29/2004 (370970)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(17)  
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
 Date: 10/31/2004 (383341)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 11/30/2004 (383342)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 10/31/2005 (471051)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 01/26/2006 (436581)  
 Self Report? NO Classification: Moderate  
 Citation: TWC Chapter 26 26.121(a)(1)  
 Description: Failure by the permittee to prevent the discharge of wastewater into or adjacent to water in the state without authorization from the Commission.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)[G]  
 Description: Failure by the permittee to orally notify the TCEQ of an unauthorized discharge within 24 hours and provide written notification within 5 days of becoming aware of the noncompliance.

Self Report? NO Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
 Description: Failure by the permittee to prevent the discharge of wastewater into or adjacent to water in the state without authorization from the Commission.  
 Date: 07/31/2006 (521997)

Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 09/19/2006 (530990)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(17)  
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
 Date: 09/30/2006 (546658)

Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 11/30/2006 (546660)

Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: TWC Chapter 26 26.121(a)[G]  
 Failure to meet the limit for one or more permit parameter  
 Date: 02/15/2007 (553690)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(17)  
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
 Date: 05/14/2007 (559580)

Self Report? NO Classification: Minor  
 Citation: 40 CFR Chapter 403, SubChapter N, PT 403.403.8(f)(2)  
 Description: Failure to maintain records of industrial user permit applications.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# Compliance History

Customer/Respondent/Owner-Operator:	CN600693105	City of Hewitt	Classification: AVERAGE	Rating: 0.88
Regulated Entity:	RN102097235	WACO METROPOLITAN AREA REGIONAL SEWERAGE SYSTEM WMARSS	Classification: AVERAGE	Site Rating: 0.88
ID Number(s):	WASTEWATER	PERMIT	WQ0011071001	
	WASTEWATER	PERMIT	TPDES0026506	
	PRETREATMENT	EPA ID	TX0026506000	
	PRETREATMENT	PERMIT	WQ0011071001	
	WASTEWATER LICENSING	LICENSE	WQ0011071001	
	STORMWATER	PERMIT	TXR05K811	
Location:	SW bank of Brazos R., approx. 4.5 miles dwnstrm from crossing of I35 and Brazos R., McLennan Co.		Rating Date: September 01 06 Repeat Violator: NO	

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: July 17, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 17, 2002 to July 17, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Merrilee G. Hupp Phone: 512-239-4490

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes

3. If Yes, who is the current owner?

City of Waco  
 City of Woodway  
 City of Bellmead  
 City of Lacy Lakeview  
 City of Robinson  
 City of Hewitt

4. if Yes, who was/were the prior owner(s)?

Brazos River Authority

Waco, Woodway, Bellmead,  
 Lacy Lakeview, Robinson

5. When did the change(s) in ownership occur?

02/20/2004  
 05/14/2004

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 07/18/2002 (174010)
- 2 08/15/2002 (174014)
- 3 09/19/2002 (174017)
- 4 10/14/2002 (174020)
- 5 11/14/2002 (174024)
- 6 12/18/2002 (174028)
- 7 01/17/2003 (174032)
- 8 02/13/2003 (173989)
- 9 03/14/2003 (173992)
- 10 04/21/2003 (173997)

11	04/28/2003	(24697)
12	04/29/2003	(27426)
13	05/20/2003	(174002)
14	06/16/2003	(174006)
15	07/17/2003	(174011)
16	08/19/2003	(302070)
17	09/03/2003	(302066)
18	09/16/2003	(302068)
19	10/08/2003	(249832)
20	11/18/2003	(302071)
21	12/18/2003	(302072)
22	01/21/2004	(302073)
23	02/23/2004	(302055)
24	03/22/2004	(302058)
25	04/12/2004	(302059)
26	05/04/2004	(267718)
27	05/05/2004	(302064)
28	05/13/2004	(302061)
29	07/02/2004	(261916)
30	07/02/2004	(354777)
31	08/02/2004	(276939)
32	09/29/2004	(370970)
33	10/05/2004	(354778)
34	10/05/2004	(354780)
35	10/05/2004	(354782)
36	10/18/2004	(337554)
37	11/12/2004	(339547)
38	11/16/2004	(383341)
39	11/18/2004	(354781)
40	12/01/2004	(354779)
41	12/14/2004	(383342)
42	01/17/2005	(471050)
43	03/18/2005	(277864)
44	03/21/2005	(383340)
45	04/06/2005	(373078)
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53	11/28/2005	(471051)
54	12/15/2005	(419151)
55	12/27/2005	(471052)
56	01/24/2006	(471053)
57	01/26/2006	(436581)
58	02/24/2006	(471046)
59	03/13/2006	(471048)
60	03/13/2006	(471049)
61	03/22/2006	(471047)
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64	05/24/2006	(466829)
65	05/24/2006	(499905)
66	05/31/2006	(466811)
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73	09/19/2006	(530990)
74	11/09/2006	(513711)
75	11/10/2006	(546661)
76	12/27/2006	(546660)
77	01/23/2007	(546657)
78	01/23/2007	(546658)
79	02/15/2007	(553690)



80 02/27/2007 (546659)  
 81 05/14/2007 (559580)  
 82 06/28/2007 (557219)  
 83 06/28/2007 (557220)  
 84 07/10/2007 (566470)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 11/30/2002 (174028)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 02/14/2003 (18325)  
 Self Report? NO Classification: Minor  
 Citation: TWC Chapter 26 26.121(a)(1)  
 Description: Failure to prevent an unauthorized discharge.  
 Self Report? NO Classification: Minor  
 Citation: TWC Chapter 26 26.039  
 Description: Failure to report an unauthorized discharge from the treatment plant.  
 Date: 12/31/2003 (302073)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 07/29/2004 (276939)  
 Self Report? NO Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT TPDES Permit No. 11071-001  
 Description: Failure to prevent an unauthorized discharge of wastewater.  
 Self Report? NO Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT TPDES Permit No. 11071-001  
 Description: Failure to prevent an unauthorized discharge of wastewater.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 319, SubChapter C 319.302(c)  
 Description: Failure to provide public notice of discharge from wastewater facility.  
 Date: 08/31/2004 (354779)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 09/29/2004 (370970)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(17)  
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
 Date: 10/31/2004 (383341)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 11/30/2004 (383342)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 10/31/2005 (471051)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 01/26/2006 (436581)  
 Self Report? NO Classification: Moderate  
 Citation: TWC Chapter 26 26.121(a)(1)  
 Description: Failure by the permittee to prevent the discharge of wastewater into or adjacent to water in the state without authorization from the Commission.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)[G]  
Description: Failure by the permittee to orally notify the TCEQ of an unauthorized discharge within 24 hours and provide written notification within 5 days of becoming aware of the noncompliance.

Self Report? NO Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
Description: Failure by the permittee to prevent the discharge of wastewater into or adjacent to water in the state without authorization from the Commission.

Date: 07/31/2006 (521997)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 09/19/2006 (530990)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 09/30/2006 (546658)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2006 (546660)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: TWC Chapter 26 26.121(a)[G]  
Failure to meet the limit for one or more permit parameter

Date: 02/15/2007 (553690)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 05/14/2007 (559580)

Self Report? NO Classification: Minor

Citation: 40 CFR Chapter 403, SubChapter N, PT 403.403.8(f)(2)

Description: Failure to maintain records of industrial user permit applications.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING THE CITIES OF WACO,  
WOODWAY, BELLMEAD, LACY  
LAKEVIEW, ROBINSON AND HEWITT  
RN102097235**

§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1174-MWD-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt ("the Cities") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Cities presented this agreement to the Commission.

The Cities understand that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Cities agree to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Cities.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The Cities own and the City of Waco operates a wastewater treatment plant located on the southwest bank of the Brazos River, approximately 4.5 miles downstream from the crossing of Interstate Highway 35 and the Brazos River, in McLennan County, Texas (the "Facility").



2. The Cities have discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During an investigation on April 4, 2007, TCEQ staff documented a discharge of more than 100,000 gallons of wastewater into a bar ditch that flows into a concrete stormwater collector that discharged into Cottonwood Creek under South 12th Street due to a break in a 30-inch interceptor line. Approximately 16 dead fish and significantly high bacteria counts were documented downstream from the point of discharge.
4. During an investigation on April 4, 2007, TCEQ staff documented that the Cities did not provide oral notification to the TCEQ Waco Regional Office within 24 hours of becoming aware of an unauthorized discharge. Specifically, the Cities became aware of the unauthorized discharge at 4:45 pm on April 2, 2007, but did not notify the TCEQ until 6:01 pm on April 3, 2007.
5. During an investigation on April 11, 2007, TCEQ staff documented a release of approximately 5,000,000 gallons of wastewater from the manhole onto a field outside the lift station and into a storm water conveyance which flows into the Brazos River through a culvert below the Lake Brazos low water dam as a result of construction activities at the Transfer lift station. Significantly high bacteria counts were documented at the point of discharge (483,834 Most Probable Number per 100 milliliters ["MPN/100 mL"]) and downstream (1,842 MPN/100 mL) from the discharge compared to concentrations of 242 MPN/100 mL upstream.
6. The Cities received notices of the violations on June 29, 2007.
7. The Executive Director recognizes that the Cities have implemented the following corrective measures at the Facility:
  - a. On April 3, 2007 at 6:01 pm, orally reported to TCEQ Waco Regional Office the unauthorized discharge which they became aware of on April 2, 2007 at 4:45 pm;
  - b. By April 7, 2007, applied disinfectant to the ground, suspended disinfection bags from the 12<sup>th</sup> Street bridge, created an earthen dam to contain the April 2, 2007 discharge, diverted the flow in order to allow repair of the broken line, and removed sewer solids and litter from the area; and
  - c. By April 12, 2007, rerouted and replaced transducer cables to ensure continued operation and control of lift station wet well floats during construction activities, installed additional alarms to ensure awareness of malfunctions leading to unauthorized discharges, constructed berms to contain the April 10, 2007 unauthorized discharge, applied disinfectant to the ground, and removed sewer solids and litter from the area.



## **II. CONCLUSIONS OF LAW**

1. The Cities are subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Cities failed to prevent an unauthorized discharge of wastewater, in violation of TEX. WATER CODE § 26.121(a), TEX. ADMIN. CODE § 305.125(4), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011071001, Permit Conditions 2.g.
3. As evidenced by Findings of Fact No. 4, the Cities failed to orally notify the TCEQ Waco Regional Office within 24 hours of becoming aware of an unauthorized discharge, in violation of 30 TEX. ADMIN. CODE § 305.125(9)(A) and TPDES Permit No. WQ0011071001, Monitoring and Reporting Requirements No. 7.a.
4. As evidenced by Findings of Fact No. 5, the Cities failed to prevent an unauthorized discharge of wastewater, in violation of TEX. WATER CODE § 26.121(a), TEX. ADMIN. CODE § 305.125(4), and TPDES Permit No. WQ0011071001, Permit Conditions 2.g.
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Cities for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of Fifty-Four Thousand Seven Hundred Twenty Dollars (\$54,720) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Fifty-Four Thousand Seven Hundred Twenty Dollars (\$54,720) shall be conditionally offset by the Cities' completion of a Supplemental Environmental Project.

## **III. ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Cities are assessed an administrative penalty in the amount of Fifty-Four Thousand Seven Hundred Twenty Dollars (\$54,720) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Cities' compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt, Docket No. 2007-1174-MWD-E" to:





Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Cities shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 6 above, Fifty-Four Thousand Seven Hundred Twenty Dollars (\$54,720) of the assessed administrative penalty shall be offset with the condition that the Cities implement the SEP defined in Attachment A, incorporated herein by reference. The Cities' obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The Cities are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
4. The provisions of this Agreed Order shall apply to and be binding upon the Cities. The Cities are ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Cities fail to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Cities' failure to comply is not a violation of this Agreed Order. The Cities shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Cities shall notify the Executive Director within seven days after the Cities become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Cities shall be made in writing to the Executive Director. Extensions are not effective until the Cities receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Cities if the Executive Director determines that the Cities have not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against the Cities in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed



Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

10. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

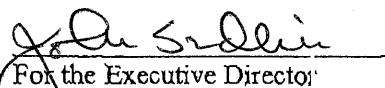


Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt  
DOCKET NO. 2007-1174-MWD-E  
Page 6

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
For the Executive Director

\_\_\_\_\_  
Date 2/20/2008

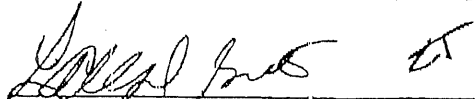
I, the undersigned, have read and understand the attached Agreed Order in the matter of the Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt. I am authorized to agree to the attached Agreed Order on behalf of the City of Waco, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Waco waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

\_\_\_\_\_  
Date 11-16-07

Larry D. Groth

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Waco

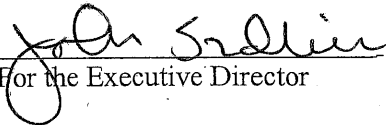
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Title



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
For the Executive Director

2/20/2008  
Date

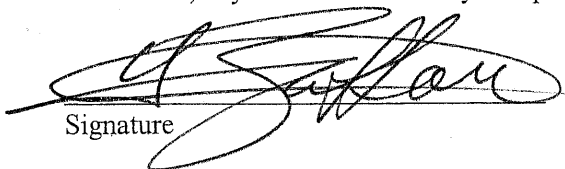
I, the undersigned, have read and understand the attached Agreed Order in the matter of the Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt. I am authorized to agree to the attached Agreed Order on behalf of the City of Woodway, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Woodway waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

11/13/07  
Date

Yousry Zakhar  
Name (Printed or typed)  
Authorized Representative of  
City of Woodway

City Manager  
Title



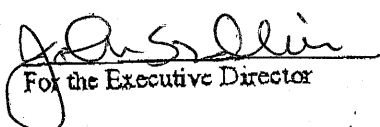


Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt  
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## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
For the Executive Director

\_\_\_\_\_  
Date

2/20/2008

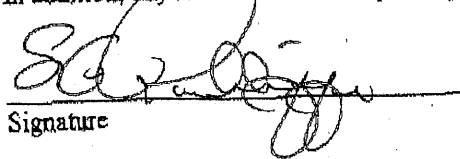
I, the undersigned, have read and understand the attached Agreed Order in the matter of the Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt. I am authorized to agree to the attached Agreed Order on behalf of the City of Bellmead, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Bellmead waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

S.G. RADCLIFFE

\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Bellmead

NOVEMBER 14, 2007

\_\_\_\_\_  
Date

CITY MANAGER

\_\_\_\_\_  
Title




Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt  
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## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

  
For the Executive Director

2/20/2008  
Date


I, the undersigned, have read and understand the attached Agreed Order in the matter of the Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt. I am authorized to agree to the attached Agreed Order on behalf of the City of Lacy Lakeview, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Lacy Lakeview waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

11-14-07  
Date

Keith Bond  
Name (Printed or typed)  
Authorized Representative of  
City of Lacy Lakeview

Dir. of Public Works  
Title



Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt

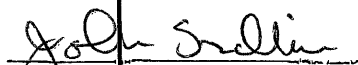
DOCKET NO. 2007-1174-MWD-E

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## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

  
For the Executive Director

2/20/2008  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt. I am authorized to agree to the attached Agreed Order on behalf of the City of Robinson, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Robinson waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

Nov. 14, 2007  
Date

R.C. Fletcher  
Name (Printed or typed)  
Authorized Representative of  
City of Robinson


City Manager  
Title



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

2/20/2008  
Date

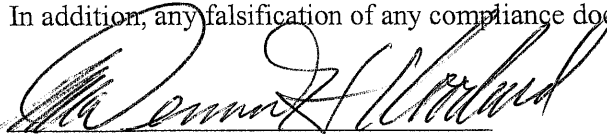
I, the undersigned, have read and understand the attached Agreed Order in the matter of the Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt. I am authorized to agree to the attached Agreed Order on behalf of the City of Hewitt, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Hewitt waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

11/16/07  
Date

DENNIS H. WOODWARD  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Hewitt

CITY MANAGER  
\_\_\_\_\_  
Title





**Attachment A**  
**Docket Number: 2007-1174-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondents:</b>	<b>Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt</b>
<b>Payable Penalty Amount:</b>	<b>Fifty-Four Thousand Seven Hundred Twenty Dollars (\$54,720)</b>
<b>SEP Amount:</b>	<b>Fifty-Four Thousand Seven Hundred Twenty Dollars (\$54,720)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Texas Association of Resource Conservation and Development Areas, Inc. ("RC&amp;D")- Wastewater Treatment Assistance</b>
<b>Location of SEP:</b>	<b>McLennan County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondents to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondents shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

The Respondents certify that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems

**C. Minimum Expenditure**

The Respondents shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.



## **2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondents must contribute the SEP Amount to the Third-Party Recipient. The Respondents shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.  
1716 Briarcrest Drive, Suite 510  
Bryan, Texas 77802-2700

## **3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondents shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondents shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

## **4. Failure to Fully Perform**

If the Respondents do not perform their obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondents shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

## **5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondents must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.



**6. Clean Texas Program**

The Respondents shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondents may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondents under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

